

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: 2009CA1927
	)	EEOC NO.: 21BA90733
<b>DOROTHY MURPHY</b>	)	ALS NO.: 09-0749
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Munir Muhammad, Diane M. Viverito, and Nabi Fakroddin, upon Dorothy Murphy's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")<sup>1</sup> of Charge No. 2009CA1927; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, WHEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

**LACK OF JURISDICTION**

In support of which determination the Commission states the following findings of fact and reasons:

1. On November 10, 2008, the Petitioner filed an unperfected charge of discrimination with the Respondent, perfected on December 23, 2008. The Petitioner alleged in her charge that Fairmont Care Center ("Employer"), reduced her days of employment because of her race, Black (Count A), her age, 46 (count B), and in retaliation for having previously filed a charge of discrimination with the Respondent (Count C); and that the Employer subjected her to a schedule change because of her race (Count D), her age (Count E), and in retaliation for having previously filed a charge of discrimination (Count F), in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act ("Act"). On December 14, 2009, the Respondent dismissed the Petitioner's charge for Lack of Jurisdiction. On December 29, 2009, the Petitioner filed this timely Request.
2. The Petitioner worked as a Certified Nursing Assistant ("CNA") for the Employer. On June 26, 2007, the Petitioner filed a charge of discrimination with the Respondent against the Employer.

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<sup>1</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Department's action shall be referred to as the "Petitioner."

3. On or about November 2006, the Employer reduced the Petitioner's schedule from full-time to part time.
4. In the charge now under review, which was filed on November 10, 2008, the Petitioner alleged the Employer reduced her hours and changed her schedule on August 7, 2008.
5. After the Petitioner had filed this charge, the Respondent conducted a fact-finding conference relative to the allegations. During the fact-finding conference, the Petitioner stated the alleged adverse actions had actually occurred in November 2006, and not August 7, 2008.
6. Thereafter, the Respondent dismissed the Petitioner's charge for lack of jurisdiction because the Petitioner had filed her charge more than 180 days after the alleged civil rights violation had occurred, and was therefore untimely.
7. In her Request, the Petitioner does not address the jurisdictional issue. Rather, the Petitioner argues that she was working in a hostile environment and was subjected to unequal terms and conditions of employment by the Employer.
8. In its Response, the Respondent asks the Commission to sustain its dismissal of the Petitioner's charge because the Petitioner did not file a timely charge, and the Respondent has no jurisdiction to investigate untimely filed charges.

## **CONCLUSION**

The Commission concludes that the Respondent properly dismissed all counts of the Petitioner's charge for lack of jurisdiction.

Pursuant to the Act, the Petitioner was required to file her charge with the Respondent within 180 days after the alleged civil rights violation was committed. See 775 ILCS 5/7A-102(A) (West 2010). The Respondent cannot assume jurisdiction over untimely filed charges of discrimination.

Based on the Petitioner's own admission, the alleged civil rights violation actually occurred in November 2006. The Petitioner filed the instant charge approximately two years after the alleged civil rights violation had been committed. Therefore, the Petitioner's charge was untimely, and the Respondent was correct in dismissing the charge for lack of jurisdiction.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of her charge not in accordance with the Act. The Petitioner's Request is not persuasive.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

The dismissal of the Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Fairmont Care Center, as Respondents with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

**STATE OF ILLINOIS**

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**Entered this 14<sup>th</sup> day of July 2010.**

Commissioner Munir Muhammad

Commissioner Diane M. Viverito

Commissioner Nabi Fakroddin